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Counsel for Plaintiff
KLAMATH RIVERKEEPER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KLAMATH RIVERKEEPER, a project of the
Klamath Forest Alliance, a non-profit public
benefit corporation organized under the laws of
the State of California,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, STEPHEN L.
JOHNSON, as Administrator of the United States
Environmental Protection Agency, and WAYNE
NASTRI, as Regional Administrator of the United
States Environmental Protection Agency, Region
9,

Defendants.

Case No. 3:07-cv-03908-WHA

**DECLARATION OF DREVET HUNT IN
SUPPORT OF PLAINTIFF'S
ADMINISTRATIVE MOTION TO EXTEND
BRIEFING DEADLINE ESTABLISHED BY
CIVIL LOCAL RULE 16-5**

Civil L.R. 6-3, 16-5

Judge: Honorable William H. Alsup
Department: Courtroom 9, 19th Floor

1 I, Drevet Hunt, do hereby declare under penalty of law as follows:

2 1. I am an attorney with the law firm Lawyers for Clean Water, Inc., counsel of record for
3 Plaintiff Klamath Riverkeeper in the present lawsuit. I am an attorney licensed to practice before all
4 courts of the State of California and the United States District Court for the Northern District of
5 California. I have personal knowledge of the following facts and if called as a witness, I could and
6 would competently testify thereto.

7 2. I submit this declaration in support of Plaintiff's Motion to Extend Briefing Deadline
8 Established by Civil Local Rule 16-5 ("Motion to Extend Time") pursuant to Civil L.R. 6-3(a).

9 3. Plaintiff requests an extension for the following two reasons.

10 a. First, the extension requested would provide Klamath Riverkeeper with the time
11 warranted to fully explore mediation possibilities while also allowing the necessary time to brief its
12 motion for summary judgment. Since October 16, 2007, at the Rule 26 meeting of counsel, Klamath
13 Riverkeeper and Defendants have been engaged in an effort to agree on a schedule for this case that
14 would provide a meaningful opportunity to discuss settlement. Some of these conversations have been
15 assisted by the mediator assigned to this case pursuant to the Local ADR Rules. During this time,
16 Defendants have represented that they would prefer not to have to prepare for settlement and
17 simultaneously be faced with opposing Plaintiff's motion for summary judgment. A meeting with the
18 mediator to further explore mediation and to possibly schedule a mediation session in December is
19 scheduled for November 29, 2007.

20 b. Second, Klamath Riverkeeper believes that it is worthwhile to have an opportunity to
21 discuss the briefing schedule for this case with this Court at the Case Management Conference
22 scheduled for December 6, 2007 before filing its motion for summary judgment. While the parties'
23 Joint Case Management Conference Statement filed before Judge Armstrong requested an expanded
24 briefing schedule, Judge Armstrong did not rule on the parties' requested expanded briefing schedule
25 before this case was transferred to this Court. The default deadline set by Civil L.R. 16-5 for Klamath
26 Riverkeeper to file its motion for summary judgment, however, falls before the new Case Management
27 Conference set by this Court for December 6, 2007.

28 4. Efforts were made to obtain a stipulation to the requested schedule modification.

Specifically, on November 27, 2007 I contacted counsel for Defendants to propose a stipulation that would extend the deadlines established by Civil L.R. 16-5 and allow Plaintiff until December 19, 2007 to file its motion for summary judgment. In an email, counsel for Defendant responded that a stipulation would not be entered into but that Defendant would not oppose such a motion provided the only request would be for an extension to file a motion for summary judgment until December 19, 2007.

5. Denial of the requested modification would prejudice Plaintiff by requiring it to focus all its efforts on filing its motion for summary judgment, thereby detracting from its ability to meaningfully engage in settlement conversations. Additionally, Plaintiff believes that it is appropriate to conduct the case management conference prior to filing its motion for summary judgment to allow for an opportunity to resolve other issues that may arise regarding scheduling in this case.

6. The first case management conference in this case, which was held before Judge Armstrong on November 6, 2007 before this Court determined that this case is related to *McConnell, et al. v. PacifiCorp, Inc.* (Case No. CV 07-02382) and transferred it to this Court, was continued to November 15, 2007. That continued case management conference was taken off calendar after this case was transferred to this Court and a case management conference was scheduled for December 6, 2007.

7. The requested time modification would affect the schedule for this case by extending the deadline for Plaintiff to file its motion for summary judgment by 14 days.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 27th day of November in San Rafael, California.



Drevet Hunt
Attorney for Klamath Riverkeeper